

In the United States Court of Federal Claims

No. 08-677 C

(Filed April 21, 2010)

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RANDAL M. BEVEVINO, et. al., *

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Plaintiffs, *

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v. *

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THE UNITED STATES, *

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Defendant. *

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ORDER

Before the court is plaintiffs' motion for leave to amend the complaint, filed March 2, 2010. On April 12, 2010, plaintiffs filed a reply to defendant's opposition to their motion for leave to amend the complaint. Attached to the reply is a revised "First Amended Complaint," which proposes certain changes to the original complaint in this case.¹ Plaintiffs assert that "[c]ounsel for defendant has advised counsel for plaintiffs that with this revision, defendant does not oppose plaintiffs' motion to amend the complaint." Pls.' Reply at 1.

Accordingly, it is hereby **ORDERED** that

- (1) Plaintiffs' motion to amend the complaint, filed March 2, 2010, is **GRANTED**;

¹/ The revised first amended complaint adds one plaintiff, corrects the spelling of one plaintiff's name, withdraws a request for declaratory relief and "amends the recitation of facts to reflect the fact that the government has changed the wage area to which McKean County is assigned." Pls.' Reply at 1 n.1.

- (2) Plaintiffs shall **FILE** their revised **First Amended Complaint** as a separate filing on or before **April 28, 2010**;
- (3) The schedule set forth in the court's order of March 15, 2010 remains unchanged; and
- (4) Defendant's answer to the first amended complaint shall be **FILED** on or before **May 14, 2010**. In the event the government wishes its original answer, filed June 26, 2009, to remain in place as defendant's response to the first amended complaint, defendant shall **FILE** a **Notice** to that effect on or before **May 14, 2010**.

/s/Lynn J. Bush
LYNN J. BUSH
Judge